Supreme Court, U. S.
FILED
JAN 10 1977
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1976

No. 76-953

EDWARD RONWIN, Petitioner,

v.

THE COMMITTEE ON EXAMINATIONS AND ADMISSIONS OF THE SUPREME COURT OF THE STATE OF ARIZONA,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF ARIZONA

EDWARD RONWIN
Box 2527
Scottsdale, Arizona 85252
(602) 994-5698
Petitioner pro se

IN THE

Supreme Court of the United States

October Term, 1976

No.

EDWARD RONWIN, Petitioner,

v.

THE COMMITTEE ON EXAMINATIONS AND ADMISSIONS OF THE SUPREME COURT OF THE STATE OF ARIZONA,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF ARIZONA

TABLE OF CONTENTS

	Page
Table of Cases and Authorities	ii
Opinion Below	1
Jurisdiction	1
Questions Presented	2
Question Reserved	2
Statutes Involved	3
Statement of the Case	3
Argument	5
Consideration of Question No. 1	6
Consideration of Question No. 2	10
Consideration of Question No. 3	11
Appendix:	
A - Opinion and Judgment, July 6, 1976	A-1
B - Order Denying Petition for Rehearing	A-9
C - Statutes Involved	A-10
D - Exhibit 19-D	A-11
E - Furnish's Affidavit and Rough Draft	A-12
F - Findings of Special Committee	A-15
G - Dean's Comments on Schwada	A-18

TABLE OF CASES AND AUTHORITIES

Cases:	*Page*
Baird v. State Bar of Arizona, 401 U.S. 1, 91 S. Ct. 702 (1971)	7
New York Times Company v. Sullivan, 376 U.S. 254, 84 S. Ct. 710, 11 L. Ed. 2d 686 (1964)	7
Pickering v. Board of Education, 391 U.S. 563, 88 S. Ct. 1731, 20 L. Ed. 2d 811 (1968)	7
Constitutions, Statutes and Rules	
U.S. Constitution,	
1st.	2,5,10
5th	2,5,10
14th	2,5,10
Vol. 17A, A.R.S.,	
Rule 28(c)III.7	3
Rule 28(c)IV.3	3
Rule 28(c)IV.4	3
28 U.S.C. § 1257(3)	2

IN THE

Supreme Court of the United States

October Term, 1976

No.

EDWARD RONWIN, Petitioner,

v.

THE COMMITTEE ON EXAMINATIONS AND ADMISSIONS OF THE SUPREME COURT OF THE STATE OF ARIZONA,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF ARIZONA

The Petitioner, Edward Ronwin, respectfully prays that a Writ of Certiorari issue to review the Judgment of the Supreme Court of the State of Arizona entered in this matter on July 6, 1976.

OPINION BELOW

An opinion accompanies the judgment of the Supreme Court of Arizona and is reproduced in the Appendix (A -1).

JURISDICTION

The judgment of the Supreme Court of Arizona was entered on July 6, 1976. Subsequently, Petitioner's Petition for Rehearing was denied by Order of October 26, 1976

(A-9).

This Court's jurisdiction is invoked under Title 28, U.S.C. § 1257(3).

QUESTIONS PRESENTED

1. Does the "Doctrine of Personality Deficiencies" (or, "Personality Disorders") promulgated by the Supreme Court of Arizona chill Petitioner's rights under the First, Fifth and Fourteenth Amendments, U. S. Constitution, and is said doctrine so vague, ambiguous, indeterminate and afflicted with overbreath as to be unconstitutional? Further, can said Doctrine be constitutionally applied prospectively to bar Petitioner from admission to the Arizona Bar at any future time in his life as the Arizona Supreme Court has done?
2. Is the standard set for Bar admission by the Arizona Supreme Court which restricts opposition to anti-semitism by Petitioner to "normal repugnance" an unconstitutional standard?
3. Was Petitioner's First Amendment rights violated when his refusal to answer the questions on the Minnesota Multiphasic Profile Index which directly inquire into Petitioner's religious beliefs, was used as a basis for alleging that Petitioner was "mentally unable" to practice law?

QUESTION RESERVED

4. Using the "clear and convincing" evidence criterion of the Arizona Supreme Court, does the record evidence support the opinion and judgment of July 6, 1976 of the Arizona Supreme Court?

STATUTES INVOLVED

Vol. 17A, Ariz. Rev. Stat., Rules 28(c)III.7, (A-10); and Rule 28(c)IV.4 (in 1974; now Rule 28(c)IV.3), (A-10).

STATEMENT OF THE CASE

While studying at Arizona State University College of Law, Petitioner was subjected to a vicious campaign of harrassment with *anti-semitic* content (A-11, and Exh. 19 to Reporter's Transcript of record before Special Committee, *infra*; hereinafter, RT). Although the law Dean labelled the harrassment, ". . . the most outrageous conduct he had ever seen in 31 years of teaching . . ." (RT, p. 100, lines 18-25 and Exh. 15 to RT, p. 40, lines 14-16), he followed an admitted course of ignoring the problem (Exh. 15 to RT, p. 40, lines 5-10). That admitted non-feasance, and, in view of the nature of the outrage, misfeasance, encouraged the perpetrators and forced Petitioner to sue seven (7) fellow students who were among those involved. The suit brought overt harrassment to an effective conclusion, (RT, p. 120, lines 22-24), but covert tactics continued including a break-in and riffling of Petitioner's school locker.

Some two weeks prior to the Bar examination of Feb., 1974, Respondent requested Petitioner's law school record. At that point, the Dean informed Petitioner that the Associate Dean had solicited two (2) essentially derogatory memoranda on Petitioner from two temporary faculty members who had left the law school. It subsequently transpired that at least one other faculty member had aided said solicitation and he has since admitted that said solicitation was for the purpose of obtaining material to counter Petitioner's complaints on the manner by which law school

handled said *anti-semitic* harrassment and further that the truth or falsity of said memoranda was not known either at the time of solicitation or as late as September, 1976 (A-12,14) and Exhs. B and C to Petition for Rehearing filed by Petitioner Sept. 3, 1976). The Dean insisted that the memoranda were not part of Petitioner's school record and were supposed to be destroyed earlier but were not destroyed due to an oversight (RT, p. 94, lines 9-22).

Respondent allowed Petitioner to take the Feb., 1974, examination "conditionally"; but, two of the seven defendants in Petitioner's aforesaid suit also taking said examination were not so restricted nor were their school records requested by Respondent.

Petitioner failed the Feb., 1974 examination; however, Petitioner's record was cleared by Respondent at least to April 18, 1974 which encompassed, or should have, a review of Petitioner's entire school record including said derogatory memoranda and said law suit.

On June 1, 1974, Petitioner applied to take the July 31, 1974 Bar examination. Eight (8) days prior to the start of said examination and *without notice or opportunity given Petitioner to be heard,* Respondent declared Petitioner "mentally and physically unable" to practice law. The basis, according to the affidavit of Respondent's then Chairman, was that Petitioner was "irrational" because Petitioner's Petition (to the Arizona Supreme Court) challenging the results of the Feb., 1974 examination suggested that (1) Respondent violated federal anti-trust law by Respondent's grading process; and, that (2) Respondent's "conditional" restraint upon Petitioner while not so restricting the two anti-semitic defendants in Petitioner's law suit also taking said examination, was discriminatory.

Petitioner filed a Petition for a Writ of Special Action from the Arizona Supreme Court to obtain admission to the July, 1974, examination. Said Court denied said Petition on July 30, 1974.

Subsequently, Respondent offered a hearing to Petitioner and Petitioner accepted the offer subject to reservation. A hearing was held before a Special Committee acting for Respondent on January 6 and 7, 1975. Prior to said hearing, Special Committee conceded that Petitioner was "physically able" to practice law. Special Committee made Findings dated January 21, 1975 (A-15).

Pursuant to Petitioner's Petition for Review of said Findings, the Arizona Supreme Court heard the matter on October 2, 1975 and rendered its judgment, accompanied by an opinion on July 6, 1976 (A-1). Petitioner's subsequent Petition for Rehearing was denied on October 26, 1976 (A-9).

On August 30, 1976, Petitioner reapplied for admission to the Bar. The application was denied without opportunity to be heard; and, as justification, the new Committee on Character and Fitness merely pointed to the Arizona Supreme Court's Opinion.

ARGUMENT

The constitutional importance of the Questions presented is the threat to Petitioner's First, Fifth and Fourteenth Amendment rights posed by the Arizona Supreme Court's "Doctrine of Personality Deficiencies" as exemplified by said Court's application of said doctrine to Petitioner.

Consideration of Question No. 1:

The Special Committee found, in the absence of the transcript of said hearing, that Petitioner was "mentally unable" to practice law based on an alleged finding that Petitioner has a "personality disorder" which rests, in turn, on three subfindings (A-16), which may be fairly summarized as follows:

(a) that, Petitioner "unreasonably imagines that he is the object of unfair persecution" and thereby acts on "imagined wrongs" as if true;

(b) that, Petitioner criticized "persons in responsible positions," (the Dean);

(c) that, Petitioner files law suits; (to that time Petitioner had filed three in 52 years).

The Arizona Supreme Court rejected subfindings (b) and (c) acknowledging that Petitioner has a right to resort to legal process (A-7) and that Petitioner's criticism of public officials is protected speech (A-6,7). Nevertheless, and despite an utter lack of any evidence in the record showing Petitioner to have acted on a single "imagined wrong" as though true, said Court adopted Special Committee's finding that Petitioner is allegedly "mentally unable" to practice law because Petitioner allegedly has a "personality disorder"; or, in effect, said Court approved sub-finding (a).

The Arizona Court cites three specific matters of record to support its decision. Two of these appear in Footnote No. 1 of the Court's opinion (A-6).

Despite the Court's admission that Petitioner had a right to sue the seven anti-semites whose harrassment the Dean called the "most outrageous he had seen in 31 years," the Court labels Petitioner's active opposition to anti-semitism

evidence of "hypersensitivity and aggressiveness" and declares, in effect, that Petitioner was restricted in the face of such outrage to "normal repugnance." Besides being devoid of evidence of action by Petitioner on "imagined wrong," it takes no authority to recognize that the Arizona Supreme Court's standard is unconstitutional, as is denial to practice law based thereon.

Despite the Court's admission that Petitioner had a right to criticise public officials, the Court, finding Petitioner's criticism in a private letter, partly solicited by the President of the University, to its dislike, declares that the speech shows Petitioner's ". . . feelings of persecution as set forth in paragraph (a) of the Committee's Findings . . ." (A-7). As noted above, the harrassment was the most outrageous the Dean had seen in 31 years. Lesser men could certainly be excused if subject to such outrage they had "feelings of persecution;" but more, the Dean admitted that he ignored the harrassment (Exh. 15 to RT, p. 40, lines 5-10) which indifference underlies the criticism of the Dean in said letter.

If the speech in the letter, *supra,* was protected then it must remain so. To said Court, its content may have been caustic, vehement, unpleasantly sharp or even in error, but it must remain protected, *New York Times Company v. Sullivan,* 376 U.S. 254, 84 S. Ct. 710, 11 L. Ed. 2d 686 (1964); *Pickering v. Board of Education,* 391 U.S. 563, 88 S. Ct. 1731, 20 L. Ed. 2d 811 (1968); *Baird v. State Bar of Arizona,* 401 U.S. 1, 91 S. Ct. 702 (1971). Certainly nothing in the letter is shown to be "imagined". What is an "imagined wrong" to one man is "error" to another, but "error" or "imagined wrong" the speech must be PROTECTED and one cannot be barred from the practice of law for complaining of the failures of public officialdom.

In truth, as admitted by the Dean, President Schwada received the criticism as well-intended and proper (see excerpt from RT at A-18).

By way of attempted support for its opinion, the Court also recites the allegation imputed to *two* professors that Petitioner threatened one professor and his wife. First, that is an allegation of an actual act not an "imagined" one; hence not supportive of sub-finding (a). Further, the court has not fairly characterized the record. The *two* professors are the ones whose memoranda were surreptitiously solicited. Perusal of Mr. Szekely's memo (Exh. 8 (2B) to RT), reveals that it is devoid of the imputed allegation. Perusal of Mr. Williams' memoranda (Exh. 8 (2A) to RT) shows that he made the allegation but in two variants in a single paragraph, (p. 2, lines 12-16 and lines 26-29 of said Memo). Then, on reading his memo, he gave still a third variant at his deposition (Exh. 1 to RT, p. 23, lines 13-17). No known method is available to demonstrate which of the three variants, if any, is true. Taken as true, the imputed allegation would reflect an indiscretion but not "mental inability" to practice law. Said Memoranda suffer from other serious discrepancies (Memoranda of Points and Authorities, filed by Petitioner, Aug. 22, 1975, pp. 35-40, and further comment in Petitioner's Petition for Rehearing filed September 3, 1976, pp. 17-22).

The Arizona Supreme Court declares that the "personality deficiencies" which it holds permissible to warrant exclusion of Petitioner from the practice of law need not ". . . rise to the level of medically recognized and categorized mental disorders. . . . ," (A-6,7). It is submitted that the Court's standard creates a field day for the amateur psychiatrist and the malevolent. Under the Court's criterion,

any Bar official who dislikes an applicant's (or Bar member's) race, religion, political views, circle of friends, manner of speech or dress need only shout, as was done to Petitioner, *supra*, "personality disorder" (or "irrational"). The Court's standard is an invitation not just to the chilling of Bar applicants' and Bar members' constitutional rights, particularly those of the First Amendment, but to a freezing of them - even when one uses those rights years before one even dreams of pursuing the practice of law.

The Arizona Court summarized the "significant expert testimony" (A-5), exactly opposite to what the record holds. Both the Bar's psychiatrist and Petitioner's agreed that Petitioner was not paranoid, psychotic or neurotic (RT, p. 228, lines 11-15; p. 229, line 25 to p. 230, line 3, p. 267, line 12 to p. 268, line 4). The Bar's psychiatrist refused to label Petitioner a "paranoid personality" and called the term "not useful," (RT, p. 239, line 23 to p. 240, line 6; p. 235, line 24 to p. 236, line 1), based on his long experience with ". . . set up and use [of] diagnostic categories . . .", (RT, p. 231, lines 15-17). Petitioner's psychiatrist testified that Petitioner was not a "paranoid personality" and explained that if one were it had no disablement to pursue a normal life nor require psychiatric treatment, (RT, p. 269, lines 6-10; p. 268, line 10 to p. 269, line 5). Both psychiatrists agreed that Petitioner had no impairment to practice a profession, including law, (RT, p. 237, line 24 to p. 238, line 2, p. 238, lines 7-14 and 19-24; p. 269, lines 11-25; p. 270, lines 17-24). A third psychiatrist examined Petitioner after said hearing and his report was not excluded from the record by the Arizona Court. Said psychiatrist also testified that Petitioner was mentally able to practice law and suffered no mental infirmity (Exh. O to

Memorandum of Points and Authorities filed by Petitioner, August 22, 1975). The Bar psychologist who was subordinate to the Bar psychiatrist testified contrary to stipulation (RT, p. 165, line 7 to p. 165-a, line 9) and reported that he could not give an opinion on Petitioner's mental health, (RT, p. 189, line 18 to p. 190, line 6) but was induced to "change his mind" by untested materials given to him by Bar counsel, (RT, p. 190, lines 7-12) and, in the end, gave a diametrically conflicting reason for said change, (c.f., R.T., p. 165-b, line 26 to p. 166, line 8 with RT, p. 190, lines 13-19). The Court's summary, *supra*, is wholly unwarranted and, the medical evidence is that Petitioner is perfectly normal from a mental health standpoint.

Yet, by the Court's doctrine of personality deficiencies (or disorders), Petitioner, a normal, sane man, who had committed no crime, no moral turpitude, and no greater "offense" than to exercise his First Amendment rights, is excluded from the practice of law. Further, the Court's adoption of the utterly unsupported prognostication by the Special Committee that the alleged "personality disorder" will persist, (A-3,16) bars Petitioner from showing at any future time that the alleged "disorder" has been "cured", or that Petitioner has become "mentally able," *supra*.

From the foregoing, it is evident that the Arizona Supreme Court's Doctrine of Personality Deficiencies (or Disorders) is a vague and ambiguous standard, marked by pronounced overbreath and poses a dangerous chill to Petitioner's First, Fifth and Fourteenth Amendment rights.

Consideration of Question No. 2:

This question has been partially considered above. The Arizona Court's holding that Petitioner's active opposition

to anti-semitism is a mark of "personality disorder" is surprising, and its further restriction of Petitioner and, by implication, Bar applicants and Bar members, to exhibition of no more than "normal repugnance" in the face of a vicious, anti-semitic campaign is astounding.

Rather than curb, disapproval and penalty, approbation would have been more appropriate. The Arizona Supreme Court's standard must be rejected as unconstitutional, *per se*.

Consideration of Question No. 3:

The Minnesota Multi-Profile Index (MMPI) test, (Exh. 10 to RT), contains the following type of questions to which a "true" or "false" response must be given:

"I believe in the second coming of Christ." (Ques. No. 98)

"Christ performed miracles such as changing water into wine." (Ques. No. 483)

"I believe there is a god." (Ques. No. 258)

There are approximately 20 such questions on said examination (RT, p. 187, lines 3-16), skipping more than 30 questions draws suspicion upon the examinee's mental capabilities (RT, p. 186, lines 15-18; p. 186, line 25 to p. 187, line 2).

Petitioner refused to answer the above type of questions (as well as quite a few others lacking specificity, (RT, p. 244, line 12 to p. 245, line 1)). Consequently, objection to inquiry into one's religious views seriously creates unwarranted suspicion of one's mental abilities. Record testimony shows that the MMPI is not necessary to analysis of a person's mental state (RT, p. 274, lines 4-26 and Exh. O to Memorandum of Points and Authorities filed by Petitioner,

Aug. 22, 1975). Therefore, the insistence by the Bar's psychologist upon the use of the MMPI was a constitutionally improper impingement upon Petitioner's First Amendment rights and an improper practice designed to create an illusion that Petitioner had "mental problems" when, in fact, the record evidence, *supra,* demonstrates the contrary.

For the reasons discussed in the preceding, it is respectfully urged that this Court grant the Writ of Certiorari sought hereby.

Respectfully submitted,

By Edward Ronwin

January, 1977.

APPENDIX A

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In Banc

IN THE MATTER OF THE APPLICATION OF EDWARD RONWIN TO BE ADMITTED AS A MEMBER OF THE STATE BAR OF ARIZONA	FILED Jul - 6 1976 Clifford H. Ward Clerk Supreme Court No. SB-52-2

APPLICATION FOR ADMISSION TO STATE BAR OF ARIZONA DENIED; PERMISSION TO TAKE BAR EXAMINATION DENIED

David M. Lurie	Phoenix
	Attorney for Petitioner
Edward Ronwin	Tempe
	In Propria Persona
Donald Daughton	Phoenix
	Attorney for Committee on Examinations and Admissions
Dale Beck Furnish	Tempe
	Attorney for Amici Curiae; Gilbert T. Venable, Stephen E. Lee, John P. Morris, Beatrice Moulton, and Richard C. Dahl.

GORDON, Justice:

The applicant, Edward Ronwin, filed this petition for review after a Special Committee on Examinations and Admissions appointed by this Court refused to recommend him for admission to the State Bar of Arizona on the ground that he "is not mentally able to engage in the active and continuous practice of the law".

Ronwin graduated from the Arizona State University College of Law in January of 1974. He took and failed the bar examination administered the following month. A petition for review of the grading of the examination papers filed with the Committee on Examinations and Admissions was denied. A similar petition subsequently filed in this Court was also denied.

On July 22, 1974, eight days before he was to retake the exam, the Committee on Examinations and Admissions informed Ronwin that he had not qualified for permission to take the test "in that the Committee is unable to make the requisite finding that you are mentally and physically able to engage in [the] active and continuous practice of law." A petition for a Writ of Special Action was filed by the applicant with this Court the next day. We conducted a hearing and declined to take jurisdiction of the matter on July 30th.

On September 24, 1974, an order was entered by this Court appointing a Special Committee to conduct a formal hearing under Rule 28(c) XII D of the Rules of the Supreme Court for the sole purpose of determining whether Ronwin was mentally able to engage in the active and continuous practice of law. Following substantial discovery the hearing was held on January 6 and 7, 1975. On January 21st the seven member Committee issued the following findings:

"[T]he applicant suffers from an established personality disorder of a character and pattern which will persist in the event the applicant is admitted to the practice of law which

"(a) Causes him to be unreasonably suspicious that bad motives and intentions activate persons with whom he comes into contact and to unreasonably imagine that he is the object of unfair persecution by such persons and to act upon such imagined wrongs as if in fact sustained by known facts;

"(b) Causes him to make irresponsible and highly derogatory untrue public accusations and charges against persons in responsible positions which he knows or reasonably should know are without any factual basis or support;

"(c) Causes him to bring and pursue with great persistence groundless claims in court proceedings and otherwise even though he knows or should reasonably know such claims to be groundless, and that thereby others will be subjected to needless expense and concerns."

The Committee concluded that "because of this personality disorder applicant would probably be unable to properly represent and serve the interests of his clients * * * [and] will probably * * * bring and prosecute groundless claims and subject clients, parties, the Court and adversary counsel to groundless charges of misconduct and impropriety if his view of the merits of the claims he presented should be vigorously opposed and be found to be without merit by the Court."

Ronwin filed a Petition for Review of the Committee's findings in this Court on January 28, 1975, placing the case in its present posture. The applicant's subsequent motion seeking an order admitting him to the Bar or, in the alternative, permitting him to take the examination pending a determination of his petition for review was denied.

The practice of law is not a privilege but a right, condi-

tioned solely upon the requirement that a person have the necessary mental, physical and moral qualifications. Application of Klahr, 102 Ariz. 529, 433 P.2d 977 (1967); Application of Burke, 87 Ariz. 336, 351 P.2d 169 (1960). This right "is neither greater nor less than the right to engage in other occupations, businesses or trades, for the right to seek and retain employment is shared by all equally and to be equal must be upon the same conditions." Application of Levine, 97 Ariz. 88, 397 P.2d 205 (1965). In Arizona, as a prerequisite to the admission to practice an applicant has the burden of establishing as required by Rule 28 (c) IV (4) of the Rules of the Supreme Court that he is "mentally * * * able to engage in active and continuous practice of law." See Application of Courtney, 83 Ariz. 231, 319 P.2d 991 (1957). If the Committee believed in this case that there was doubt as to Ronwin's mental qualifications "its plain duty was to refuse to certify his name to this Court for admission, for the ultimate responsibility for the admittance to the practice of law lies in the members of the Court." Application of Levine, supra. See Application of Walker, 112 Ariz. 134, 539 P.2d 891 (1975). The Committee's task is often a difficult one as some of the concepts embodied in the Rules escape definition in the abstract. Because of this a petition for review concerning such a matter "must be judged on its own merits, and an *ad hoc* determination in each instance must be made by the court." Application of Klahr, supra.

After a careful review of the record we have concluded that Ronwin has failed to demonstrate that he is mentally able to engage in the active and continuous practice of law. To survey in this opinion the allegations or criticisms made by various witnesses or the psychiatric and psychological testimony would unnecessary [sic] inject comment on the char-

acter or reputation of persons other than the individual who is the focus of this case and would serve to heighten the extreme emotion with which the applicant and others view several of the incidents which were highlighted at the committee hearings. It would also discourage in the future the sort of candid and personal testimony which many people are naturally reluctant to give but which is necessary in order to make a competent evaluation of an applicant's qualifications.

In summary, there is significant expert testimony in the record to indicate that Ronwin has a "paranoid personality" which is characterized by hypersensitivity, rigidity, unwarranted suspicion, excessive self-importance and a tendency to blame others and ascribe evil motives to them. The ominous ramifications of his personality disorder can be seen in the testimony of two professors which indicates that on different occasions he became enraged during discussions of academic matters and made serious threats of physical violence toward certain individuals and, in two cases, their wives. The record reveals a continuing inability by the applicant to maintain normal interpersonal relationships with sharp conflict rather than cooperation a common result. This situation is particularly aggravated where Ronwin is the subject of criticism or views himself as the victim of an imagined or real injustice. While he may excel in other endeavors, he appears mentally unable to reasonably deal with the type of social interaction involved in dealing with clients, other members of the Bar and the public.

We believe that it is imperative that the term "mentally * * * able to engage in active and continuous practice of law" be construed to exclude persons whose long-standing personality traits indicate an obvious inability to get along with

authority figures under situations of minor stress and conflict, whether or not these personality deficiencies rise to the level of medically recognized and categorized mental disorders.

The applicant's "irresponsible and highly derogatory untrue public accusations and charges against persons in responsible positions" referred to in ground "(b)" were mainly directed at administration officials at Arizona State University and appear to have resulted from an honest although probably misguided opinion of who was responsible for harrassment he endured while a law student.1/ We must be cautious not to punish an individual for utterances which fall within the protections of the First and Fourteenth Amendments. See Pickering v. Board of Education, 391 U.S. 563, 88 S. Ct. 1731, 20 L.Ed.2d 811 (1968); *New York Times Company v. Sullivan*, 376 U.S. 254, 84 S. Ct. 710, 11 L.Ed.2d 686 (1964); Application of Levine, supra. However, the relationship of these accusations and charges to his feelings of persecution as set forth in paragraph (a) of the Committee's Findings is apparent to anyone who reads the full transcript of the proceedings in this matter.

1/ Graffiti such as "Rabbi Ronwin", "Ronwin is a Jew", "Jewish Dining Room" (on the bathroom stall) and other ethnic slurs were written on walls and notices at the law school. There is no indication in the record whether Ronwin is Jewish. The applicant's hypersensitivity and aggressiveness aggravated the normal repugnance an individual would feel as the brunt of such remarks. In a letter to the President of the University, Ronwin accused the dean of the law school of expressing an "attitude of Malice" toward him as demonstrated by his failure to stop the graffiti and stated "[t]he activities of [the] Dean * * * sum to an astonishing and deliberate nonfeasance and malfeasance and were directly responsible for both my troubles at the school, which continued virtually unabated during my entire association, and for much of my current problems with the Bar." Other critical comments in the letter were directed toward a resident professor, two visiting professors and an acting dean of the law school during one semester that the permanent dean was on a sabatical [sic]. Ronwin accused the acting dean of deliberately soliciting false memoranda containing derogatory comments concerning the applicant and of bringing "the memoranda to the Committee's attention with the object of destroying me or my chances to become a member of the Bar because of the boundless malice with which he operates * * *." In connection with a theft from his locker, the applicant stated the acting dean "used his office to protect a felon and effectively halt a criminal investigation because of that hatred [for me]." Ronwin demanded that both the acting dean and a professor be dismissed from the faculty.

We do not agree with ground "(c)" of the Committee's Findings, that Ronwin has in the past brought "with great persistence groundless claims in court proceedings and otherwise." We hesitate to fault the applicant for resorting to the legal system to express his grievances where, as is this case, there is credible evidence that the actions were brought with a good faith belief in their merit.2/

Having agreed with the Special Committee after our independent analysis of the record that Ronwin is not mentally able under Rule 28 (c) IV of the Rules of the Supreme Court to engage in the active and continuous practice of law, it is ordered that his application to be admitted as a member of the State Bar or, in the alternative, to take the bar examination, is denied.

/s/ Frank X Gordon, Jr.
FRANK X. GORDON, JR.
Justice

2/ At the hearing the applicant defended the filing of two lawsuits. The first was filed in 1969 with the California Fair Employment Practice Commission while the applicant was a lecturer at Fresno State College. Ronwin alleged he was a victim of reverse discrimination in hiring practices at the institution. The matter was eventually terminated when a default judgment was entered against the applicant. The second lawsuit was filed in 1972 against seven fellow students Ronwin felt were responsible for the graffiti and verbal harassment he was receiving at the law school. At the hearing the applicant gave a reason why each defendant was included in the suit.

CONCURRING:

FRED C. STRUCKMEYER, JR.
Vice Chief Justice

JACK D. H. HAYS
Justice

WILLIAM A. HOLOHAN
Justice

HENRY S. STEVENS
Judge, Retired

Note: The Honorable James Duke Cameron, Chief Justice did not participate in the determination of this matter and the Honorable Henry S. Stevens, now a retired Judge of the Court of Appeals, was called to sit in this matter.

APPENDIX B

(Title of Action)
(DATED: October 27, 1976)

The following action was taken by the Supreme Court of the State of Arizona on October 26, 1976 in regard to the above-entitled cause:

"ORDERED: Petition for Oral Argument = DENIED.

FURTHER ORDERED: Request for Temporary Stay of Proceedings = DENIED.

FURTHER ORDERED: Petition for Rehearing = DENIED."

Chief Justice James Duke Cameron did not participate in the determination of this matter.

/s/ Clifford H. Ward
CLIFFORD H. WARD, Clerk

TO: Mr. Edward Ronwin, P. O. Box 2527, Scottsdale, Arizona 85252
Donald Daughton, Esq., Daughton, Feinstein & Wilson, 100 West Washington, Suite 1840, Phoenix, Arizona 85003
State Bar of Arizona, 234 North Central, Suite 858, Phoenix, Arizona 85004

APPENDIX C

Vol. 17A, Ariz. Rev. Stat., Rule 28(c)III.7:

The following papers must accompany every application:

* * *

7. Certificate of a licensed physician that the applicant is mentally and physically able to engage in the active and continuous practice of law.

* * *

Vol. 17A, Ariz. Rev. Stat., Rule 28(c)IV.3:

On the basis of a properly completed application timely filed the applicant will be entitled to sit for the bar examination.

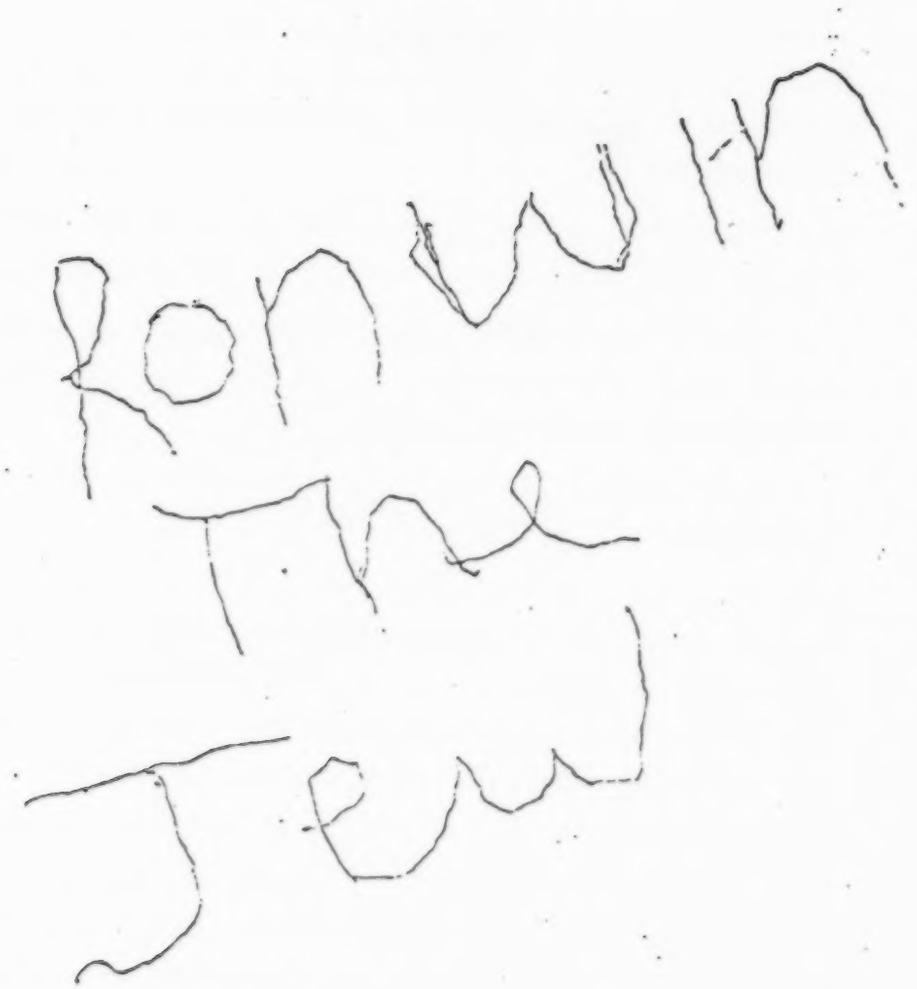
No applicant for admission to the State Bar of Arizona shall be recommended for admission by the Committee on Character and Fitness unless the Committee is satisfied:

* * *

3. That he is mentally and physically able to engage in active and continuous practice of law;

* * *

(Exhibit 19-D to RT)



Officer Burgess
7:35 PM
11/15/72

Witness Statement - Miranda
Defendant on front steps - not T.S.

BEST COPY AVAILABLE

(Title of Action) APPENDIX E

AFFIDAVIT

I, DALE B. FURNISH, being first duly sworn upon oath, depose and say:

1. That, I am a Professor on the Faculty of the College of Law of the Arizona State University in Tempe, Arizona.

2. That, I have occupied said position continuously to the present since the commencement of the academic year, 1970-1971, in September, 1970.

3. That, during the academic year, 1972-1973, Dr. Alberto Szekely was a Visiting Professor at said Law College.

4. That, prior to leaving the faculty in May, 1973, Dr. Szekely submitted a Memorandum, dated May 15, 1973, which was placed in a file on Dr. Edward Ronwin, Applicant in the above entitled cause and then a law student in said Law College. Said file was maintained in the office of the Associate Dean, Alan Matheson, at said Law College.

5. That, in the considered judgment of myself, Dr. Szekely, Dean Matheson, and perhaps other members of the faculty and the administration, the Memorandum represented the best way to leave a record of Dr. Szekely's account of the discussions between him and Dr. Ronwin regarding the paper Dr. Ronwin had written for credit in the course taught by Dr. Szekely.

6. As a good friend of Alberto Szekely, I had conversations with him regarding Dr. Ronwin and the incidents described in Dr. Szekely's Memorandum, both before and after the Memorandum was written.

7. I was in accord with the writing and submission of the

Memorandum.

8. I was not present during any of the incidents specifically described in the Memorandum and the Memorandum treats of many other allegations of which I am not personally aware.

9. That all of the foregoing is true of my own personal knowledge.

DATED this 21 day of July, 1976.

/s/ Dale B. Furnish
DALE B. FURNISH

SWORN and SUBSCRIBED before me by DALE B. FURNISH this 21st day of July, 1976.

/s/ Olivia H. Brickett
Notary Public

My Commission expires:
Jan. 24, 1980

Exhibit C to Petitioner's Petition
for Rehearing

AFFIDAVIT
(proposed)

I hereby certify to the following circumstances regarding a memorandum left by Dr. Alberto Szekely describing an incident in his office in the faculty of law and other circumstances involving Edward Ronwin. To the best of my memory, Dr. Szekely, who was a visiting professor in this School of Law in the academic year 1972-73, left the memorandum when he went back to Mexico *because it was the considered judgment of myself, Dr. Szekely, Dean Alan Matheson, and perhaps other members of the faculty and administration that an issue might arise as to the administration's treatment of Edward Ronwin and its handling of complaints and issues be brought to its attention.* As a good friend of Alberto Szekely, I had conversations with him regarding Mr. Ronwin and the incident described in Dr. Szekely's memorandum, both before and after the memorandum was written. The memorandum described many facts of which I am not personally aware.

_____

Dale Beck Furnish

_____

Date

To the left of the space for the name, Mr. Furnish wrote in his own handwriting: "E. Ronwin – How is this?" and signed in Mr. Furnish's initials "DBF"

Note: The handwriting over part of the original has been deliberately deleted.

(Title of Action) APPENDIX F

SPECIAL COMMITTEE FINDINGS

The Special Committee on Examinations and Admissions of the Arizona Supreme Court held a formal hearing on January 6 and 7, 1975, in the meeting room of the State Bar, Security Building, Phoenix, Arizona, pursuant to due Notice to the applicant RONWIN and his attorney, John P. Frank, for the purpose of receiving evidence in the above matter and making a finding as to whether the applicant RONWIN is qualified to be admitted to sit for the bar examination of applicants for admission to practice law in Arizona.

All members of the Committee were present. The applicant, RONWIN, and his counsel, John P. Frank, were present, and the examiner and counsel to the Committee, Donald Daughton, was also present.

Testimony, oral and documentary was received and the Committee adjourned the meeting to consider the evidence and memoranda of law to be submitted by Mr. Frank and Mr. Daughton. A court reporter was present during the entire hearing.

The Committee convened in the hearing room of the State Bar on Tuesday, January 21, 1975 at 1:30 o'clock p.m. All members of the Committee were present and participated in the deliberations of the Committee.

After full and careful review of the evidence, oral and documentary, made available to the Committee and consideration of the memoranda of law and arguments of counsel, the Committee finds as follows:

The applicant RONWIN is not mentally able to engage in the active and continuous practice of the law.

The Committee finds that the applicant suffers from an established personality disorder of a character and pattern which will persist in the event the applicant is admitted to the practice of law which

(a) Causes him to be unreasonably suspicious that bad motives and intentions activate persons with whom he comes into contact and to unreasonably imagine that he is the object of unfair persecution by such persons and to act upon such imagined wrongs as if in fact sustained by known facts;

(b) Causes him to make irresponsible and highly derogatory untrue public accusations and charges against persons in responsible positions which he knows or reasonably should know are without any factual basis or support;

(c) Causes him to bring and pursue with great persistance groundless claims in court proceedings and otherwise even though he knows or should reasonably know such claims to be groundless, and that thereby others will be subjected to needless expense and concerns;

The Committee finds that because of this personality disorder applicant would probably be unable to properly represent and serve the interests of his clients. The Committee further finds that the personality disorder of applicant will probably cause him, if admitted to the practice of law, to bring and prosecute groundless claims and subject clients, parties, the Court and adversary counsel to groundless charges of misconduct and impropriety if his view of the merits of the claims he presented should be vigorously opposed and be found to be without merit by the Court.

The Committee concludes that the risk of harm to the public to be anticipated by reason of this unfortunate personality disorder suffered by applicant is so great as to require that the Committee make the findings above stated.

DATED this 21 day of January, 1975 at Phoenix, Arizona.

/s/ Mark Wilmer
/s/ Rowland W. Hill
/s/ Hamilton R. Catlin
/s/ John F. Molloy
/s/ David K. Wolfe
/s/ Robert O. Lesher
/s/ Ivan Robinette

APPENDIX G

From the Dean's Testimony, (Exh. 15 to R.T., p. 73, lines 9-23):

> "Well, my impression from President Schwada's call was that he himself was troubled, that is, *President Schwada was troubled about the experiences to which Dr. Ronwin had been subjected and that he had sympathy for this position. . . So my assessment was that Dr. Ronwin had succeeded in enlisting the sympathy of the president, which to me indicated that he had performed in a very satisfactory professional fashion.*" (Emphasis added.)